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Before the FEDERAL COMMUNICATIONS COMMISS Washington, D.C.

20554

In re Applications of

WIND 'N SEA FM LIMITED PARTNERSHIP File No. BPH-901224ME

For Construction Permit for a New FM Station on Channel 295A (106.9 MHz) in Ocean City, MD

To: The Commission

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JUL 2 2 **1991**

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

SUPPLEMENT TO PETITION FOR LEAVE TO AMEND AND AMENDMENT

WIND 'N SEA FM LIMITED PARTNERSHIP ("Wind 'n Sea"), hereby provides a "Supplement to Petition for Leave to Amend and Amendment" ("Supplement"), to its July 15, 1991, Amendment to include a revised page 24 of FCC Form 301, which was inadvertently left out of the July 15th filing.

1. The Supplement addresses Section VII - Certifications, and more specifically, questions No. 3; name of person contacted regarding reasonable assurance of site availability. Attached hereto is a copy of a letter from Mark Sapperstein, owner of the tower from which Wind 'n Sea proposes to transmit, if granted the Ocean City, MD FM license.

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FM EXAMINERS

Respectfully submitted,

WIND 'N SEA FM LIMITED PARTNERSHIP

By:

J. Jeffrey Craven RESOZZI & GAVIN

1901 L Street, NW

Suite 200

Washington, D.C. 20036

 $(202) \quad 293 - 7405$

Its Attorneys

Dated: July 22, 1991 /a/0653/suppfirst.amd

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. Does the applicant propose to employ five or more full-time employees?	Yes No
If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employ Opportunity Program Report (FCC 396-A).	yment
SECTION VII - CERTFICATIONS	
1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?	Yes No
2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?	XX Yes No
the applicative intended purpose.	Exhibit No.
If No, attach as an Exhibit, a full explantion.	
3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.	
Name of Person Contacted Mark Sapperstein	
Telephone No. (include eres code) (301) 653-0334	
Person contacted:	
X Owner Owner's Agent Other (specify)	

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

P.O. BOX 21525 • BALTIMORE, MARYLAND 21208 • (301) 653-0334

SHORE **GOMMUNICATIONS**

June 18, 1991

Ms. Margaret Isley Wind & Sea FM Limited Partnership 6556 Ocean Pines Berlin, MD 21811

Dear Ms. Isley:

I enjoyed speaking to you yesterday about your application for FM channel 295A in Ocean City, Maryland. This letter is to give you reasonable assurance of tower space availability on my tower, provided you receive a construction permit for this station. It is understood that if I were to enter into a multi-year lease agreement with you today, the monthly rental for the first year would be approximately \$1,200.00 per month for space.

If you have any questions, or if I can provide you with any additional information, please call me.

Sincerely,

mack papperbu

Mark Sapperstein President

MS:sc

Enc.

Certificate of Service

I, Carla L. Duryea, a secretary in the law firm of Besozzi & Gavin, do hereby certify that copies of the forgoing "SUPPLEMENT TO PETITION FOR LEAVE TO AMEND AND AMENDMENT" were, on this 22nd day of July, 1991, sent by first-class U.S. mail, postage prepaid, to the following individuals (except as otherwise noted):

Heidi P. Sanchez, Esquire Rosenman & Colin 1300 19th Street, N.W. Washington, D.C. 20036 Counsel for CDD Broadcasting Company

Nora E. Garrote, Esquire Piper & Marbury 1200 19th Street, N.W. Washington, D.C. 20036 Counsel for Aris Mardirossian

Neal J. Friedman, Esquire Pepper & Corazzine 1776 K Street, N.W., Suite 200 Washington, D.C. 20006 Counsel for Webb Broadcasting, Inc.

Elizabeth C. Buckingham, Esquire Frank J. Martin, Jr., Esquire Sutherland, Asbill & Brennan 1275 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2404 Counsel for Ocean City Communications Company

Stephen T. Yelverton, Esquire
Maupin Taylor Ellis & Adams, P.C.
1130 Connecticut Avenue, N.W.
Suite 750
Washington, D.C. 20036
Counsel for Joseph A. Booth and
Robert H. Cauthen, Jr. d/b/a
J.H. Communications

Dennis P. Corbett, Esquire Leventhal, Senter & Lerman 2000 K Street, N.W. Suite 600 Washington, D.C. 20006-1809 Counsel for Jeffery Scott Michael J. Wilhelm, Esquire 1350 Connecticut Avenue, N.W. Suite 905 Washington, D.C. 20036 Counsel for Equal Time Broadcasting Corporation

Ernest T. Sanchez, Esquire
Law Offices of Arter & Hadden
1919 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Bruce David Blanchard
Limited Partnership

Carla/L/. Duryea

^{*} Delivered by hand